Govt. II-27—23,006—24-12-32

Law (General) (1933) Department.

MS. SERIES.

G.O. No. 3540

DATED 30-10-33

[Despatch Abstract.]

Courts. civil - District Court, South Kanara - Cash - Loss of - Papers recorded

C.F. 30.

1

DEPARTMENT.

Received ..... 192 . *Registered* 29 192 .

L.P 4642B

25.9.33

Subject.

ENCLOSURES.

No .....

.....

Spare copies .....

R.O.C. No. 3325 B2/1933.

Station Madras. *Dated the* 22nd September 1933.

From (Name) G.S.White Esquire, (Solicitor),

(Designation) Registrar, High Court, Madras.

To The Secretary to the Government of Madras,

Law (General) Department.
(with enclosures)

Sir,

Cash - Loss of - District Court, South Kanara.

I am directed to forward for the information of Government copies of letters No.4859 dated 2nd September 1933 and 5010 dated 7th September 1933 from the District Judge of South Kanara on the above subject. P2 infra P3 infra

I have the honour to be,

Sir,

Your most obedient servant,

Registrar.

2

Copy of letter No.4859 dated 2nd September 1936 from the District Judge, South Kanara, to the Registrar of the High Court of Judicature, Madras.

Under Article 72 of the Madras Financial and Account Code, Volume I, I have the honour to report as follows:-

One Sheik Madar, a process server of this court, was entrusted with the duty of encashing two pay bills one for Rs.1612-5-0 and another for Rs.296-9-0 of the Process Establishment and Copyist Establishment other than copyists of this court for the month of August 1936. He reports that after receiving the amounts of the bills from the imperial Bank, he counted the money and put the currency notes in his pocket and tied up the cash in a handkerchief and placed the bundle close to him on a parapet in the front verandah of the Imperial Bank building and opposite to the counter. Just when he was about to start from the Bank he says, he received information that my pay bill should be sent back to court and accordingly he asked amin Souza who was in charge of it to hand it over to the messenger (B.M.Khan). He did this with his face towards the messenger and his back to the bundle. When he turned round after this conversation, he found the bundle missing. It contained according to him, coins of the total value of Rs.373-6-0. He has produced the balance of Rs.1535-8-0 into court.

I am enquiring further into the matter and will submit a detailed report at an early date. A copy of this report has been sent to the Accountant General, Madras.

KMN

Copy of letter No.3013 dated 7th [illegible]
from the District Judge, [illegible]
of the High Court of Judicature, [illegible].

In continuation of my letter [illegible] and Instant, I have the honour to report [illegible]

From the enquiries made by me, I [illegible] that the loss of Rs.373-6-0 in question [illegible] on the part of the process server [illegible] bundle of money as he says he got out [illegible] to talk to another man departing for [illegible]. I am of opinion that he is responsible for the loss [illegible] directing him to make good the loss, and [illegible] this court the deficit amount which has since been [illegible] members of the establishments to whom it [illegible].

To prevent recurrence of such loss, I have issued instructions to all subordinate [illegible] where the amount that has to be taken to or [illegible] from the treasury or bank, is Rs.50/- or less, [illegible] one amin for the purpose, and when it [illegible] it, they should invariably depute [illegible] process server and that they should [illegible] the persons to the ~~present~~ personal responsibility [illegible] to his or their liability to [illegible] from negligence or fraud.

The process server has [illegible] service of nearly 35 years [illegible] of the kind and as his [illegible] which he has had to make [illegible] to let him off with a warning.

[illegible]

C. No. 4642 B

From the Registr. High Court of Judicature at Madras

No. 3325 B 2/1933 dt 22.9.33

Cash — loss of — Dt. Court, in South Kanara

A.S.

Please see the letters of the Dt. Judge South Kanara at pp. 2-3 cf. As the amount lost, has been made good by the process server, no action seems called for Fin. may see.

30.9.33.

1.10.33

~~Is there not a rule that two~~

The amount to be cashed was large

G.O. 5512 Fin. dd 12/9/32 applies

Instructions thereunder appear to have been given by the Dt judge after this occurrence to depute two men where large amounts have to be carried. The process server had put in 35 years' Service and was presumably a reliable man

12/10/33

Fin:

Finance (Accts)

May be perused and returned to Law.

16.10.33

16.10.33

17.10.33

RECEIVED 17 OCT 1933 FINANCE DEPT.

29371 Accts

L-cf 4642 B-1 18/10

13-cf-33.

V/

This bears considerable resemblance to the Coimbatore case in which also cash in charge of a peon was grabbed in the Bank premises that was dealt with in Rev. May I suggest that this be sent to Mr. Thorne for his perusal

17/10

Law

Secret 29371 Cr. V
17.10.33

Law (Gnl) Dept

~~29 5/53 Cr V~~ 35
29 5/53 Cr 17.10.33

A.S.

May be sent to Rev. Secretary no for perusal

20/10

20X33.
KOW
20.10.33

Rev

Rev. Dpty.

C. 24644 B 2
23/10/33.

Mr. Dy. in the C'bore case considered that such an occurrence would be extremely rare. Take a copy these papers for their file. & return to Law.

Rev. no 7743/33
26-10-33.

To Asst Secy

Copies of the letters in the c.f. and the note on this page have been taken and

kept in the other file (Draft of Govt money in Committee) This may be returned to Law (Genl)

24.10.33

24/10

25.10.33

Law (Genl)

27 OCT 1933
LW DEPARTMENT

Law (Genl) dept.

Revenue 7774B/33-1
27/10/33

L-S 5287B/34
26/7/33

H. S.

Please see notes at p. 1 ante. No further action seems necessary. The papers may be recorded Draft Subs

PJ
27.X.33.

KSW
27.10.33

28/10

Sectt. II-5 (a)

319/3320

Law (gnl) DEPARTMENT

	Date.	Initials
When received for Fair-copying		MW 30/10
When copied ..		
When examined ..		
When signed ..		
When despatched ..		

Courts - Civil - Ht. Court, South Kanara - Cash - loss of - Papers recorded.

READ AGAIN G.O. No. 512 -(R), dated Fin. of 12-9-1932

" " " " " " 19 .

READ ALSO :—

C No. 4642B From the Regr. High Court, No. 3325 - Roc 3.2/1933, dated 22.9.1933.

" " " " " " 19 .

" " " " " " 19 .

ORDER.

No. 3540, dated 30/10/33 19

Ms

Recorded

To

The Hon. the C.J. with cc

The AG (actg) 9-10

The Fin Dept (actg) ✓

The Rev. Dept 9-10 ✓

KR 2/11/33

KRW 31.10.33

BSR 28/10